

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 21, 2005**

The Board of Supervisors of Maricopa County, Arizona convened in Formal Session at 9:00 a.m., September 21, 2005, in the Board of Supervisors' Conference Room, 301 W. Jefferson, Phoenix, Arizona, with the following members present: Max W. Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2, Fulton Brock, District 1; Andrew Kunasek, District 3, and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Manager; Paul Golab, Deputy County Attorney and Anne Longo, Assistant Chief Counsel. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

INVOCATION

Father Bill Wack, Andre House, delivered the invocation.

PLEDGE OF ALLEGIANCE

New Urban Fellow Jessica Berg, led the assemblage in the Pledge of Allegiance.

FIRST ANNUAL MOONLIGHT MUTTNESS & MEOW EVENT

Dr. Rodrigo Silva, Director of Animal Care and Control, notified the Board of the First Annual Moonlight Muttiness & Meow Event to be held October 8, 2005, at the East Valley Animal Care Center, 2630 W. 8th Street, Mesa, Arizona. In an effort to highlight homeless adoptable pets in Maricopa County, Animal Care & Control is committed to adopting 200 pets to new homes from 6:00 pm to 10:00 pm during the event.

Dr. Silva said this commitment includes the agency's commitment to eliminate euthanizations of all healthy, adoptable animal during the month of October and he said he hoped this could be an ongoing policy. He asked the residents of Maricopa to come to the Muttiness & Meow event on October 8 to find a pet to adopt in affirmation of their commitment to end the euthanasia of pets in Maricopa County. As an enticement to residents he added that there would be good food, live music and other festivities. Chairman Wilson aided Mr. Silva in the unveiling of the large sign advertising the event. (C7906014M00) (ADM2300)

FOOD PROTECTION FOOD SAFETY INNOVATION AWARD FOR 2005 PRESENTATION

Item: Presentation to Environmental Services Department, Environmental Health Division, of the International Association for Food Protection for the Inaugural Food Safety Innovation Award of 2005. This item is related to another action later in the agenda. (C8806002000) (ADM2350)

Chairman Wilson read the Inaugural Food Safety Innovation Award for 2005 that was given to the Environmental Services Department by the International Association for Food Protection. David Smith commented that interested parties had assumed that this award would go to a progressive food processing company and it was a surprise to many that a government agency had received it. He said that the County's incentive-based food protection program with its positively-based platinum, gold and silver awards had been a factor over the negative regulatory environment that is usually part of the culture of this work. He added that it is this kind of thinking and innovation that won the award for the Food Protection Service Division of the County's Environmental Services Department and encouraged all County departments to keep thinking creatively to improve all service areas.

David Ludwig, Manager, Environmental Services, said his excellent team is comprised of the department's field inspectors. "We could not have done this without every one of our inspectors being involved and believing in making a difference." He added that this is just one of many awards their

**FORMAL SESSION
September 21, 2005**

incentive based program has received. He reported that of the 36 categories inspectors check in the field inspections, 25 have consistently received improved scores and there has been a 30% decrease in the number of violations. He added that this means more food safety for the general public. The award included a check for \$2,500.

RECOGNITION OF TEN MILLION CALLS RECEIVED BY STAR CALL CENTER

Clerk of the Court, Michael Jeanes, this year's chairman of the Star Call Center Board of Directors, cited many of the Center's successes and said they had recently received their 10,000,000th call from the public. He reminded the Board that "STAR" stands for **S**upervisors, **T**reasurer, **A**ssessor, **R**ecorder and that Elections and the Clerk of the Court's Office have now joined these original sponsors. He said the Star Center is one more example of the high quality customer service that is routinely being provided to citizens by Maricopa County employees. He explained that he considered Recorder Helen Purcell and former Treasurer Doug Todd as the "mother" and "father" of the Star Center because they provided the initial "push" to solve the complaints of almost all County department heads and much of the general public were voicing about providing easy-to-get information and answers for residents. He explained that the myriad of questions called in by residents are answered by a group of professional and friendly voices who are trained to provide accurate information. He said, "While the 10,000,000th call was received on Friday, September 16, 2005, I am sure there are another 10 million calls just waiting to happen." (ADM5301)

Ms. Purcell recalled that the idea had germinated in 1996 in Mr. Todd's office when he asked what could be done to facilitate a response to the escalating number of citizen phone calls many County departments were being inundated with. They searched for a method to eliminate the excessive time spent by department employees in routing and rerouting calls for information, and also to ease tempers of those calling in who were tired of getting transferred multiple times.

The Supervisors all praised the end result and spoke in glowing terms of the positive outcome of the administrative decision to move forward with those early ideas, which were refined into the creation of the Star Center. The Star Call Center is now used as a model to other government entities throughout the country who are experiencing the same problems. A video was shown that portrayed a regular day at the Center with a normal 2,500 calls being received. It is extra busy around election time when an excess of 25,000 calls will be received daily. It showed the live representatives that answer the vast majority of the calls, although an automated system is also in place. The Center focuses on assisting the taxpayer since they are the ones "paying the bill" and it is felt they deserve to have a *person* answer their call and not receive the classic push-button response they receive from many government agencies.

LIQUOR LICENSE APPLICATION

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Kunasek and seconded by Supervisor Wilcox, to recommend approval of the following liquor license applications:

Application filed by Alan John Bakas for a Special Event Liquor License: (F23164) (SELL686)

Business Name:	Veterans of Foreign Wars Post #12031
Location:	41703 N. Gavilan Peak Parkway, Anthem 85086
Date/Time:	November 12, 2005; 10:00 a.m. – 6:00 p.m.

Application filed by Leo Paul Hissey for a Special Event Liquor License: (F23164) (SELL690)

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 21, 2005**

Business Name: St. Steven's Catholic Church
Location: 24827 S. Dobson Road, Sun Lakes, 85248
Date/Time: November 11, 2005; 5:00 pm – 11:00 pm

Application filed by Michael J. Barro for an Original, Series 12 Liquor License: (LL6156)

Business Name: Barro's Pizza
Location: 5115 N. Dysart Road, #242, Litchfield Park, 85340

Application filed by Karen Elizabeth Alexander for a Temporary Extension of Premises/Patio liquor license: (ADM664-84)

Business Name: Gavilan Peak Pizzeria
Location: 46639 N. Black Canyon, Suites 3, 4, 5, and 6, New River, 85087
Date: October 8, 2005

Motion carried by majority vote (4-1) with Supervisors Stapley, Kunasek, Wilson and Wilcox voting "aye" and Supervisor Brock voting "nay."

FIREWORKS DISPLAY

No protests having been received and no speakers coming forth at the Chairman's call, pursuant to A.R.S. §36-1603, motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve applications filed for a Fireworks Display Permit: (ADM66530)

. Application filed by Fireworks Productions of Arizona, LTD for an original Fireworks Display Application (ADM665-49):

Organization: Schnepf Farms
Location: 22601 E. Cloud Road, Queen Creek, 85242
Date/Time: October 1, 2005 through October 2, 2005; October 6, 2005 through October 9, 2005;
October 13, 2005 through October 16, 2005;
October 20, 2005 through October 23, 2005;
October 27, 2005 through October 30, 2005
Thursday & Sunday, fireworks begin at 9:00 pm
Friday & Saturday, fireworks begin at 10:00 pm

Application filed by Fireworks Productions of Arizona, LTD for an original Fireworks Display Application (ADM665-50):

Location: 14014 N. 172nd Avenue, Surprise
Date/Time: October 9, 2005; 7:30 pm

PUBLIC HEARING FOR A STREET NAME CHANGE - CONTINUED

This is the time scheduled for a public hearing, to solicit comments, to name a previously un-named alignment to Shane Lane in Township 6 North, Range 3 East, Section 3 between North 18th Street and North 20th Street north of Johnson Road. (C4406002000) (ADM2018)

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 21, 2005**

Joy Rich, Deputy County Manager, announced the staff request for this item to be continued to the November 2, 2005, meeting.

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to continue this item to the November 2, 2005, meeting.

AMENDMENT TO LEASE WITH 51 BELLS LIMITED PARTNERSHIP FOR OFFICE SPACE

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve and execute Amendment No. 3 to Lease No. L7227 with 51 Bells Limited Partnership, lessor, for 8,110 square feet of office space located at 16700 N. 51st, Avenue, Suites 1, 2, and 3, Glendale, AZ. This amendment will extend the term of the existing lease from November 1, 2005 to October 31, 2010, with an option to renew for an additional five-year term. An additional 1,500 square feet of new office space (Suite 3) will be included in the leased premises, making a new total area of 8,110 square feet. The tenant shall pay monthly telecomm and CAM charges, (estimated at \$2,480.00) for the leased space. The annual rate is \$106,078.80 plus rental tax.

One-time expenses will include voice/data costs estimated at \$25,603.00 and moving costs estimated at \$4,500.00 (\$3.00 per square foot). FY 2005-06 costs related to the Northwest Office includes \$33,591.00 for rent for July through October at the current rate (\$11.62 per square foot) and telecomm charges of \$383.00. Rent for November through June will increase to \$91,339.00 due to increased rate (\$13.08 per square foot) and telecomm will increase to \$924.00 per month. FY 2005-06 total expenses equal \$156,340.00.

The Assessor budgeted \$102,850.00 for rental expenses and \$4,600.00 for telecomm expenses for the Northwest Office for the year. This leaves the Assessor's Office with a shortfall of expenditure authority of \$48,890.00 for FY 2005-06. The full-year (FY 2006-07) of this action is \$138,394.00 of which the Assessor's Office FY 2006-07 budget will be adjusted (decreased) by \$17,946.00 due to annualization of one time costs.

Pursuant to A.R.S. §42-17106(b), to also approve the transfer of expenditure authority between General Government (Department 470, Fund 100) and the Assessor's Office (120) General Fund (100). This action will require an expenditure appropriation adjustment decreasing the FY 2005-06 General Government (Department 470, Fund 100) Contingency by \$48,890.00 and increasing the FY 2005-06 Assessor's Office (120) General Fund (100) by \$48,890.00. These adjustments will result in a countywide net impact of zero (C12010034). (C1206004400)

EXTENSION OF IGA WITH DES FOR CHILD SUPPORT ENFORCEMENT PROGRAM

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an extension of the intergovernmental agreement (IGA) between the Department of Economic Security (DES), Division of Child Support Enforcement and the Clerk of the Superior Court effective October 1, 2005 until September 30, 2006, for an amount not-to-exceed \$1,576,455, with indirect costs calculated at \$361,062 or 33.11%. Grantor reimburses at a rate of 66% (including indirect cost recovery) not-to-exceed \$1,040,460. Maricopa County cost contribution is 34%, not-to-exceed \$535,995, for the continuation of this Child Support Enforcement program. (C1605002301)

**FORMAL SESSION
September 21, 2005**

ADDITION TO THE FLEET AND TRANSFER OF EXPENDITURE APPROPRIATION

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the addition to the county fleet of one full-size sedan and one intermediate-size sedan. Pursuant to A.R.S. §42-17106(b), approve the transfer of expenditure appropriation in the amount of \$40,500 from the FY 2005-06 General Government (470) General Fund (100) General Contingency (4711) to the General Government (470) General Fund (100) Other General Fund Programs – Vehicle Replacement (4712). This action will allow two Constables to deliver Service of Process in a more cost efficient manner. (C2506002000) (ADM3104) (ADM1300)

REVISE MOTOR VEHICLE DIVISION DATABASE ACCESS AGREEMENT AND MOU

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a revision to the State-County Attorney Motor Vehicle Division Database (MVD) Access Agreement and Memorandum of Understanding (MOU). The Arizona Department of Transportation, Motor Vehicle Division requests that the County Attorney notify MVD in writing within two business days of any changes in its list of individuals authorized to access the MVD_database. Other provisions of the agreement and MOU remain unchanged. (C1905031001)

AMENDMENT WITH CITY OF PHOENIX FOR MICROGRAPHIC SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the amending of the IGA between Maricopa County and the City of Phoenix for the exchange of services. The term of the amended agreement is upon execution by both parties through December 31, 2008. The Recorder's Office will gain access to a Kodak Digital Archive Writer for use as a secondary backup, in the event of an emergency, and the City of Phoenix will receive daily images of recorded documents on compact disks for a reduced fee. The amended agreement will not exceed three years, unless extended by appropriate actions, by the county and the city. Either party may terminate this agreement at any time prior to the end of its duration by furnishing the other party with a written notice. (C3604001201)

EXCEPTION TO THE TFP TO PURCHASE FOUR LAPTOPS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an exception to the Technology Finance Program (TFP) that allows the Sheriff's Office to proceed with the purchase four laptops that were included in a grant award package, approved on March 23, 2005, by the Board of Supervisors. This authorization is required to complete the one-time purchase of these computers within the grant period, which expires in November 2005. These computers will be tracked separately from the Sheriff's Office computers that are included in the TFP with no automatic replacement from the general fund at the end of their useful lives. (C5005536302) (ADM3900-002)

TEMPORARY ADDITION TO THE FLEET

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a temporary addition to the fleet of one 2004 Ford truck Econoline E350 2-door, VIN #1FBSS31S74HB09023, with 32,657 miles. This vehicle will be fully marked and equipped with an 800 MHz radio and a dual cage system so that it can be used transport inmates who are pre-booked in outlying county-booking areas to Central Intake. The vehicle will be driven primarily by volunteers, including posse and reserves. This system was piloted over the summer and yielded positive results saving considerable time for both law enforcement and detention. Jail Enhancement Funds will be used

**FORMAL SESSION
September 21, 2005**

to purchase and equip the vehicle (\$18,546 plus radio equipment \$6,471 and markings \$672). This is a temporary addition to fleet with no funding from the detention fund for its replacement. However, the Sheriff's Office will be seeking a change in this vehicle's status as part of the annual budget process. The estimated operating expense for FY 2005-06 is \$4,125 (\$5,500 annualized) to be paid from Sheriff's Office budgeted detention funds. (C5006015M00) (ADM3104)

APPOINTMENTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following appointments:

- a. Approve the appointment of Court Commissioner Barbara L. Spencer, as Superior Court Judge Pro Tempore and Pro Tempore Justice of the Peace, for the period from September 21, 2005 through December 31, 2005, to serve in the various programs in the Superior Courts and Justice Courts to reduce trial delay. (C3806001700) (ADM1001)
- b. Approve the appointment of Court Commissioner Frank Alan Johnson Jr., as a Superior Court Judge Pro Tempore, for the period from September 21, 2005 through December 31, 2005, to serve in the various programs in the Superior Court to reduce trial delay. (C3806002700) (ADM1001)

MOU WITH ARIZONA DEPARTMENT OF CORRECTIONS FOR SOFTWARE APPLICATIONS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a Memorandum of Understanding (MOU) between Maricopa County Integrated Criminal Justice Information System (ICJIS) and the Arizona Department of Corrections (ADC). ICJIS has developed the Justice Web Interface (JWI) Application which consists of a browser application used for interfacing to the Arizona Criminal Justice Information System for inquiry, data entry and update, which ICJIS has offered to furnish ADC. The JWI Applications provides universal functionality for access to the Arizona Criminal Justice Information System which is hosted by ADC and can utilize JWI to access their own systems, rather than purchasing third party products, saving taxpayer dollars. ICJIS shall provide ADC with the software within 15 days upon completion of this agreement. (C4206001000)

ADJUST AND ACCEPT FUNDS FROM FILL THE GAP

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a budget adjustment to the Legal Defender's (540) FY 2005-06 Fill the Gap Fund (263) and authorize the acceptance of any and all funds received in FY 2005-06 from the Legal Defender allotment of the Fill the Gap funding. This action will increase the revenue and expenditure budgets by \$7,000. The FY 2005-06 Central Service indirect cost rate is 6.93%. The unallowable indirect costs for this grant funding increase are estimated to be \$485 (total for the grant is \$3,214). The Legal Defender's Office receives its share of the Fill the Gap revenue from the funding stream collected at the state level. As a result, these revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S §42-17105. (C5406001300) (ADM520)

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 21, 2005**

TRANSFER EXPENDITURE AUTHORITY TO FILL THE GAP FUND

Pursuant to A.R.S. §42-17106(B), motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the transfer of \$253,737 in revenue and expenditure authority between the General Government (471) General Government Grants Fund (249) and the Public Defender Office (520) Fill the Gap Fund (262). This action will require an appropriation adjustment decreasing the FY 2005-06 General Government Grants Fund (249) revenue and expenditures by \$253,737, and increasing the FY 2005-06 Public Defender Fill the Gap Fund (262) revenue and expenditures by \$253,737. These adjustments will result in a countywide net impact of zero. (C5206001800) (ADM510)

IGA WITH SPECIAL HEALTH CARE DISTRICT FOR CHIEF FINANCE OFFICER SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an intergovernmental agreement (IGA) between Maricopa County and the Maricopa County Special Health Care District, to provide for the services of Maricopa County Chief Finance Officer, Tom Manos, to the Special Health Care District. During the term of this agreement, Mr. Manos will serve the Special Health Care District's Board of Directors as their Executive Director. (C3906003200) (ADM4496)

REJECT CLAIMS DEMANDS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to reject claim demands (August 2005) for emergency medical services from private medical providers to patients who do not meet the requirements of Arizona Revised Statutes or Maricopa County Policies and are, therefore, not the responsibility of Maricopa County pursuant to the A.R.S. §11-629 (not a proper charge against the county) and A.R.S. §11-622 (claims not having been filed within six months after the last item of the account accrues). (A.R.S. §11-629 \$1,307,428.10 and A.R.S. §11-622 \$0.00). (C3906004700) (ADM1804)

**MONTHLY SUMMARY REPORT
August 2005**

VENDOR	AMB., DOCTORS, HOSP. ARS 11-629	OVER SIX MONTHS ARS 11-622
Advanced Cardiac Specialists	1,790.00	0.00
Allure Plastic Surgery Pc	14,493.00	0.00
American Ambulance	617.14	0.00
American Physicians Inc	394.16	0.00
Arizona Arrhythmia Consultant	5,293.00	0.00
Arizona Cardiovascular Perfus	17,917.13	0.00
Arizona Grand Medical	213.00	0.00
Arizona Medical Imaging	28.00	0.00
Associated Ophthalmologists	870.00	0.00
Associated Radiolo	349.00	0.00
Associated Retina Consultants	3,420.00	0.00
Az Kidney Disease Hypertension	7,007.00	0.00
Banner Desert Medical Ctr	2,904.40	0.00

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 21, 2005**

Banner Estrella Medical	5,774.36	0.00
Banner Good Sam Behav Hlth Ct	178.00	0.00
Banner Good Sam Toxicology	503.00	0.00
Banner Good Samaritan Reg Med	37,742.01	0.00
Barnwell, Patrick L Md	2,550.00	0.00
Biltmore Cardiology Pllc	161.00	0.00
Casa Grande Emergency Phys	358.00	0.00
Child Neurology	309.75	0.00
City Of Phoenix Ambulance	2,487.59	0.00
Clinical Diagnostic Radiology	1,415.00	0.00
Diagnostic Radiology Ltd	28.00	0.00
Emergency Physicians Prof Asso	3,854.00	0.00
Employer Emergency Physicians	214.00	0.00
Endocrinology Associates, Pa	172.00	0.00
Grewal, Harprett Mc Pc	6,621.00	0.00
John C Lincoln Hospital Nm	26,236.00	0.00
Maricopa Health Systems	810,130.27	0.00
Medpro	248,122.58	0.00
North Phoenix Heart Center	85.00	0.00
Pathology Specialists Az	113.33	0.00
Phoenix Baptists Hospital	25,401.44	0.00
Phoenix Memorial Hospital	931.92	0.00
Professional Medical Transport	758.66	0.00
Progressive Medical	185.00	0.00
Radiology Services	314.00	0.00
Rural Metro Ambulance	523.02	0.00
Sjh Trauma Billing	722.00	0.00
Southwest Ambulance	12,101.34	0.00
Southwest Neuro-Imaging	998.00	0.00
St Josephs Hosp Arizona	61,625.00	0.00
Sun Health Hospitalists	292.00	0.00
The Heart Clinic	1,078.00	0.00
Urology Associates Ltd	147.00	0.00
Grand Totals:	1,307,428.10	0.00
Restitution	0.00	
TOTAL DENIALS:	1,307,428.10	

TERMINATION OF LEASES FOR HEALTH PLANS OFFICES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following lease terminations for Maricopa Health Plans Offices:

- a. Termination of Lease No. L7007 with 916 Properties LLC, located at 916 E. Baseline Road, Mesa, Arizona. The lease provides an early termination option with no penalty, by giving written advance notice. The termination will be effective on October 31, 2005.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 21, 2005**

Approval of this agenda item will formally exercise the termination option. (C6004052401)

- b. Termination of Lease No. L7008 with CAM 4, LLC, successor-in-interest to KBS Phoenix, LLC, located at 10220 N. 31st Avenue, Suite 200, Phoenix, Arizona. The lease provides an early termination option with no penalty, by giving written advance notice. The termination will be effective on or about December 31, 2005. Approval of this agenda item will formally exercise the termination option. (C6005051401)

MMCS PROVIDER PANEL APPOINTMENTS/REAPPOINTMENTS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the recommendations of Maricopa Managed Care Systems (MMCS) Health Plan Provider Panel appointments and reappointments as discussed in Executive Session on September 19, 2005. (C9004171M) (ADM2100-005)

**Provider Panel Participation Recommendations
For Maricopa Integrated Health Systems- Health Plan**

Provisional Appointments

Rajiv M. Ashar, MD	Cardiovascular Disease	Contract
Parmjeet K. Banghar, MD	Hematology/Oncology	Contract
Sarabit Bhalla, MD	Nephrology	Contract
Courtney Bishop, MD	Pediatrics	Contract
Craig R. Cassidy, DO	Ophthalmology	Contract
Bernadette Francois, MD	Family Practice	Contract
Sanford L. Moretsky, MD	Ophthalmology	Contract
Bradley L. Newswander, DPM	Podiatry	Contract
Eric B. Nyman, MD	Pediatrics	Contract
Judy Pendleton, MD	Pediatrics	Contract
Kumar Ravi, MD	Interventional Cardiology	Contract
Ruth E. Sanders, NP	Nurse Practitioner	Contract
Mikhail I. Shtivelband, MD	Hematology/Oncology	Contract
Gurdev Singh, MD	Nephrology	Contract
Dwayne St. Jacques, MD	Pediatrics	Contract
Terrence K. Tuttle, MD	Internal Medicine	Contract

Initial Appointments

Christopher Kwon, MD	Surgery	Contract
Luis Irizarry, MD	Family Practice	Contract

Reappointments

Satpreet Gill, MD	Internal Medicine	Contract
Melissa Go, MD	Nephrology/Internal Medicine	Contract
John Q. Hierling, DO	Family Practice	Contract
Matthew King, MD	Family Practice	Contract

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 21, 2005**

Andre Silano, DC	Chiropractor	Contract
------------------	--------------	----------

Terminations

	Contract	Term Date
Vicky Chen-Yang, MD	ASPA	10/25/05
Erol J. LeBlanc, DO	ASPA	9/16/05
Jared L. Dayton, DO	ASPA	9/16/05
Bhagyashree Barlingay, MD	Contract	9/9/05
William Drobnes, MD	Contract	8/31/05
Joel Cohen, MD	Contract	8/29/05
Keenan Wanamaker, DO	Contract	8/19/05
Bradley Gordon, MD	Contract	8/15/05
Divis Khaira, MD	Contract	8/15/05

FUNDS TRANSFER AND EXEMPTION TO REDUCTION-IN-FORCE POLICY

In accordance with A.R.S. §42-17106B, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following:

- o The transfer and expenditure of \$9,503,073 from Appropriated Fund Balance (480) General Fund (Fund 100) General Contingency (4811) Reserved Contingency Line Item "Long Term Care Operating Subsidy" to line item "Health Plans Operating Subsidy" in Appropriated Fund Balance (480) General Fund (Fund 100) Other Programs (4812), and
- o A fund transfer in the amount of \$9,503,073 from Appropriated Fund Balance (480) General Fund (Fund 100) Other Programs (4812) line item "Health Plans Operating Subsidy" to Maricopa Managed Care Systems (600) Health Plan Fund (541). This action will require appropriation adjustments increasing the Maricopa Managed Care Systems (600) Health Plan Fund (541) revenue and expenditure budgets by \$9,503,073, with offsetting adjustments to Eliminations (Department 980, Fund 900). Appropriation allocation of \$9,503,073 between the Funds (541) and (551) will be decided at a later date.

Also approve an exemption to the Maricopa County Reduction-in-Force Policy HR 2403, so the initial probationary employees listed below can attend and continue to receive salary and benefits through the Maricopa County Career Center until October 31, 2005. These employees were affected by the closure of the Maricopa Managed Care Systems and the Reduction-in-Force: Ofelia Maria Martinez, Frances Marie Carrasco, ~~Andrew Brown~~, (deletion announced by the Clerk prior to the vote) Beth DiFranco, Teresa Brown, and Kay Stephanie Nicosia. These actions will have a countywide net impact of zero. (C6006010800) (ADM1611) (ADM2100-005)

PERSONNEL AGENDAS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Maricopa County (Exhibit A) and Judicial Branch (Exhibit B) Personnel Agendas. Exhibits A and B and an addendum will be found at the end of this set of Minutes.

**FORMAL SESSION
September 21, 2005**

AMENDMENT WITH COVENTRY II DDR PHOENIX SPECTRUM SPE LLC FOR IMMUNIZATION CLINIC SPACE

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and execute amendment to Lease No. L7320 with Coventry II DDR Phoenix Spectrum SPE LLC, a Delaware limited liability company, as successor-in-interest to Phoenix Mall Properties, LLC, a Delaware limited liability company, landlord, for 4,373 square feet of immunization clinic space in the Spectrum Mall, located at 1752 W. Montebello Avenue, Phoenix, AZ. The owners of Spectrum Mall are exercising their right, under the existing lease, to relocate the county immunization clinic to a replacement premises. This relocation of space will reduce the rentable area to 3,593 square feet. The relocation area is identified as Unit E009. The term of this lease amendment shall be October 31, 2005, or the date of occupancy of the new premises by tenant, whichever is later. Annual rent, from commencement date through December 31, 2005, is \$24,325 plus rental tax, and rent from January 1, 2006 through December 31, 2006, is \$25,043 plus rental tax. All other terms and conditions of the existing lease will remain the same. Legal approval is subject to final review of the documents.(C8602138403)

ACCEPT ADDITIONAL FUNDS FOR DISEASE CONTROL AND PREVENTION

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve acceptance of additional funds in the amount of \$2,748.00 for the budget period September 30, 2005 through September 29, 2006, from the U.S. Department of Health and Human Services Centers for Disease Control and Prevention, to provide viral hepatitis education and training. This grant was previously approved on our 2005-06 Letter of Intent (C86055623LI) in the amount of \$150,000.00. The Maricopa County Department of Public Health's indirect rate is 16.7%. Indirect costs are fully recoverable, and estimated at \$392.64. Approve revenue and expenditure adjustments to the Public Health Department's Grant Fund (Department 861, Fund 532) associated with the grant in an amount not-to-exceed of \$2,748.00, for a not-to-exceed grant fund \$152,748.00. The appropriations adjustment is necessary because these funds were not included in the FY 2005-06 budget. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C8604056201)

ACCEPT ADDITIONAL FUNDS FROM DES FOR REFUGEE SCREENING MEDICAL ASSISTANCE PROGRAM

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the acceptance of additional funds from the Arizona Department of Economic Security (DES) for the Refugee Screening Medical Assistance Program in the amount of \$76,545. The grant award period is from July 1, 2005 through June 30, 2006. This grant was previously approved on our 2005-06 Letter of Intent (C86055623LI) in the amount of \$550,000. The Public Health Department's indirect rate is 16.7%. Indirect costs are estimated to be \$10,937, of which all are recoverable and zero is unrecoverable. The grantor will provide reimbursement funding for this grant, as it is an open-ended grant with a fee schedule, based on the number of clients served with no cap established. Approve revenue and expenditure adjustments to the Public Health Department's Grant Fund (Department 860, Fund 532) associated with the grant in an amount not-to-exceed of \$76,545, for a new not-to-exceed grant fund of \$626,545. The appropriation adjustment is necessary because these funds were not included in the FY 2005-06 budget. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditures of these revenues are not prohibited by the budget law. This budget

**FORMAL SESSION
September 21, 2005**

adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C8604064202)

AMENDMENT WITH LINDA J. LUECKEN, PH.D. FOR PRENATAL CUSTOMER SURVEY SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to retroactively approve Amendment No. 1 to a contract with Linda J. Luecken, Ph.D., for the provision of prenatal customer survey services. This amendment extends the term of the contract from August 22, 2005 through June 30, 2006. There is no additional funding being given. Dr. Luecken was a successful respondent to a Review of Qualifications (MC1-348.D3) issued by the Department of Public Health on March 22, 2004. This amendment is retroactive from August 22, 2005, due to the grantor not advising us in time that the grant would be extended. (C8605032101)

AFFILIATION AGREEMENT WITH PHOENIX CHILDREN'S HOSPITAL

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a non-financial affiliation agreement with Phoenix Children's Hospital to allow their residents and/or students to participate in learning experiences at the Maricopa County Department of Public Health. This agreement is effective upon Board of Supervisors' approval and expires on June 30, 2010. The agreement includes a 30-day termination clause. (C8606008000)

AGREEMENT WITH APIPA FOR HEALTHCARE FOR HOMELESS PROGRAM

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a Participating Health Provider Agreement with Arizona Physicians IPA, Incorporated (APIPA), for the Maricopa County Public Health's Healthcare for the Homeless Program. The term of the agreement shall begin upon Board of Supervisors' approval for a period of one year, with automatic one-year renewals and a 90-day termination clause. The estimated revenue amount is \$30,000 per year and may change based on the number of clients actually served. There is no cap. (C8606020100)

AHCCCS REGISTRATION PACKET FOR HEALTHCARE FOR HOMELESS PROGRAM

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve and sign the Arizona Health Care Cost Containment System (AHCCCS) Provider Registration packet on behalf of the Maricopa County Department of Public Health's Healthcare for the Homeless Program in order to receive a unique identification number that will allow us to bill the various AHCCCS plans for the cost of transporting clients to medical appointments. (C8606021000) (ADM2119)

IGAs FOR SCHOOL-BASED TOBACCO USE PREVENTION AND EDUCATION SERVICES

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the intergovernmental agreements (IGAs) with the following school districts to provide school-based tobacco use prevention and education services. The term of the agreements is retroactive from July 1, 2005 through May 1, 2006:

- a. Washington School District, for a contract dollar amount not-to-exceed \$31,500. (C8606407200)
- b. Scottsdale School District, for a contract dollar amount not-to-exceed \$39,500. (C8606413200)

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 21, 2005**

- c. Creighton School District, for a contract dollar amount not-to-exceed \$10,500. (C8606419200)

AMENDMENT WITH RENALWEST, LC FOR CLINICAL PEDIATRIC DIETETIC EXPERIENCE

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Amendment No. 2 to a non-financial affiliation agreement between Maricopa County, through its Department of Public Health, and RenalWest, LC a.k.a. Renal Care Group, to provide clinical pediatric dietetic experience for graduate students in the dietetic internship. The agreement is non-financial, and the term is retroactive from July 1, 2004 through June 30, 2009. All other items in the agreement remain unchanged. (C8699052003)

FULLY AND SELF INSURED DENTAL RATES

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve full and part-time dental rates for active employees and retirees for plans effective January 1, 2006 through June 30, 2007, as follows:

- o For the fully-insured Delta Dental Plan,
- o For the self-insured CIGNA Dental Plan, and
- o For the fully-insured Employers Dental Services Dental Plan.

In accordance with A.R.S. §42-17106(B), direct the Office of Management and Budget to transfer appropriated budget amounts, as necessary, to each department and fund in order to fully fund the new premiums, effective January 1, 2006. Amounts are to be transferred from reserved contingency item, Health/Dental Premium Increase in General Government (470), General Fund (100) and Detention Fund (255). (C3506001100) (ADM3324)

SELF-INSURED SHORT-TERM DISABILITY RATES

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve rates for Self-Insured Short-Term Disability program effective January 1, 2006 through June 30, 2007. (C3506002100) (ADM3324)

BENEFIT PRODUCTS AND PLAN DESIGN FOR EMPLOYEE HEALTH INSURANCE

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following:

- o The benefit products and plan design changes for the employee health insurance program as defined by the CIGNA HealthCare of AZ, HealthSelect, Walgreens Health Initiatives, United Behavioral Health, and Avesis contracts and/or plan documents. The benefit offerings will provide Maricopa County employees with thirteen different medical and pharmacy plan options, allowing them to choose coverage that strikes a balance between benefit coverage and amount of payroll deductions. Benefit plan elections will be in force from January 1, 2006 through June 30, 2007.
- o Continue to self insure the external prosthetic appliance benefit up to \$3,000 for all CIGNA plan enrollees. CIGNA will continue to cover up to \$1,000 of eligible expenses.

**FORMAL SESSION
September 21, 2005**

Up to an additional \$2,000 will be self-insured by Maricopa County. Self-insuring this benefit is more cost effective than having CIGNA increase this benefit level.

- o Continue to support the payment of benefit-related contracts through the collection of premiums, including, but not limited to, actuarial consulting services, Consolidated Omnibus Budget Reconciliation Act administrative costs, Flexible Spending Account administrative costs, and Employee Assistance Plan premiums.
- o Continue to support the wellness health initiatives through the collection of premium that will be used for such initiatives including, but not limited to, disease management initiatives, such as the diabetic management program, the anti-obesity program, the quit tobacco program; increased case management of short-term disability claimants; preventive programs, such as on-site mammography, cholesterol and glucose screening, adult immunizations, health risk appraisals and wellness incentive awards.
- o Continue to offer the HealthSelect Incentive Award Program for employees and their covered dependents that have elected HealthSelect as their medical benefit. The cost of the incentive awards is included in the HealthSelect premium.
- o Increase the medical waiver payment for employees who are covered under other group health insurance and who elect to waive Maricopa County's health insurance coverage, from \$100 per month to \$125 per month.
- o The Maricopa County employee and employer rates for January 1, 2006 through June 30, 2007, for active employees, pre-Medicare retirees, and Medicare-eligible retirees. As an incentive for non-tobacco users, rates for this period will be lower for non-tobacco users since their health care costs are approximately 20% lower than tobacco users.
- o Pursuant to A.R.S. §42-17106(B), direct the Office of Management and Budget to transfer appropriated budget amounts, as necessary, to each department and fund in order to fully fund new premiums effective January 1, 2006. Amounts are to be transferred from reserved contingency item, Health/Dental Premium Increase in General Government (470), General Fund (100) and Detention Fund (255).

This item was discussed in Executive Session on September 19, 2005. (C3506003100) (ADM3324)

Supervisor Wilcox commented that employees would be fully informed of the changes made and she felt the new plans would be very beneficial to them and would be welcomed by them.

RATES FOR FULLY-INSURED BASIC LIFE INSURANCE BENEFIT PLAN

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve rates for the fully insured basic life insurance benefit plan offered through UnumProvident. Pursuant to A.R.S. §42-17106(B), direct the Office of Management and Budget to transfer appropriated budget amounts, as necessary, to each department and fund in order to fully fund new premiums effective January 1, 2006. Amounts are to be transferred from reserved contingency item, Health/Dental Premium Increase in General Government (470), General Fund (100) and Detention Fund (255). (C3506004100) (ADM3324)

**FORMAL SESSION
September 21, 2005**

IGA WITH MARICOPA COMMUNITY COLLEGE DISTRICT FOR FOOD CATERING

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve an intergovernmental agreement (IGA) with the Maricopa Community College District on behalf of Scottsdale Community College, for the provision of food catering to participants in the Maricopa County Human Services Department Head Start Program. The IGA represents a fixed price agreement per each meal and snack served for an amount not-to-exceed \$12,075. The IGA requires Scottsdale Community College to provide a minimum of 1/3 to 2/3 of the daily-recommended dietary allowances. The Arizona Department of Education's Child/Adult Care Food Program and the U. S. Department of Health and Human Services provide funding for the IGA. The term of the IGA is October 1, 2005 through September 30, 2008. This agreement does not include any county general funds. (C2206082200)

AWARD CONTRACTS TO EMPLOYERS FOR CUSTOMIZED OCCUPATIONAL TRAINING

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve Maricopa County Human Services Department, Workforce Development Division, to award a variety of contracts (C22061073 through C2206136300) to multiple employers for the delivery of customized occupational training that meets the specific training needs of an employer or group of employers. On-the-Job training is occupational training provided by an employer in the public, private nonprofit, or private for-profit sector, to a paid Workforce Investment Act participant, while engaged in productive work in a job that provides knowledge or skills essential to the full and adequate performance of the job. It is anticipated that approximately \$675,000 On-the-Job Training Program funds will be awarded in FY 2005-06. (C22061063ZZ)

CONTRACTS FOR TRANSPORTATION SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the contracts between the Maricopa County Human Services Department Special Transportation Program and the following entities, each with a not-to-exceed amount of \$100,000, to provide transportation services to clients. The contracts are effective on October 1, 2005, and will terminate on June 30, 2006. Funding for these contracts are provided from a variety of federal, state, and municipal sources. These contracts do not contain any county general funds:

- a. COMTRANS, Inc. (C2206141100)
- b. Arrive, LLC (C2206142100)
- c. AAA Transportation Services, Inc. (C2206143100)
- d. Mehari Transportation Services, Inc. (C2206144100)
- e. Just for You Transportation Services, Inc. (C2206145100)

FUNDS TRANSFER AND ADDITION OF PROJECTS TO CIP

Pursuant to A.R.S. §42-17106(B), motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the transfer and expenditure of \$3,100,000 from Appropriated Fund Balance General Contingency (Department 480, Fund 100, Org 4811) to a new line item in Appropriated Fund Balance Other Programs (Department 480, Fund 100, Org 4812) entitled Parks Revitalization Plan. Approve a fund transfer of \$3,100,000 from Appropriated Fund Balance Other Programs (Dept 480, Fund 100, Org 4812) line item Parks Revitalization Program to the General Government County Improvements Fund (Department 470, Fund 445). This action will require appropriation adjustments increasing the revenue and expenditure budgets by \$3,100,000, with offsetting

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 21, 2005**

revenue and expenditure adjustments to Eliminations (Dept 980, Fund 900). These adjustments will have a net impact of zero on the overall county budget.

Also approve the addition of the following Parks and Recreation Department Capital Improvement Projects (CIP) to the FY 2005-06 Maricopa County Capital Improvement Project Plan and appropriate funding from the General Government County Improvements Fund (Dept 470, Fund 445) to the following projects:

- o Estrella Mountain Regional Park Turf Irrigation System (Function Code EMIS), \$745,000
- o Utery Mountain Regional Park Domestic Water System (Function Code UMWS), \$700,000
- o White Tank Mountain Regional Park RV Dump Station (Function Code WDTS), \$275,000
- o Entry Station, Comfort Station and Monument Projects (Function Code ENTR), \$1,380,000 (C3006009M00) (ADM3200-003)

AGREEMENTS TO RESCUE NON-ADOPTABLE ANIMALS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following agreements with Maricopa County to allow the following entities, under the New Hope Program, to rescue animals that have been deemed not adoptable. Maricopa County will provide a rabies vaccination, dog license tag and new owner transfer fee, within the first year of rescue for each dog three months of age or older. Maricopa County will incur a \$27 loss of revenue for each dog rescued:

- a. Robin Jensen, d.b.a. Coppercloud Pet Rescue, 10512 E. Cholla Street, Scottsdale, AZ 85259. Animal Care & Control estimates 25 dogs New Hope rescues over the term of the agreement, for a total of \$675. The term of this agreement is from September 7, 2005 through September 6, 2006. (C7906011100)
- b. Jo Page, d.b.a. Beagles of Arizona Rescue Club, PO Box 1156, Litchfield Park, AZ 85340. Animal Care & Control estimates 30 New Hope rescues over the term of the agreement, for a total of \$810. The term of this agreement is from September 21, 2005 through September 20, 2006. (C7906012100)
- c. Jennifer Gilson, d.b.a. Animal Rescue Center, 4015 E. Cactus Road, Phoenix, AZ 85032. Animal Care & Control estimates 600 New Hope rescues over the term of the agreement, for a total of \$16,200. The term of this agreement is from September 21, 2005 through September 20, 2006. (C7906013100)

FUND TRANSFERS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, work authorizations, journal entries, allocations, loans, and paid claims. Said claims having been recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and incorporated herein by this reference.

**FORMAL SESSION
September 21, 2005**

MOU WITH MARISOL FEDERAL CREDIT UNION

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve and execute a Memorandum of Understanding (MOU) with MariSol Federal Credit Union (MariSol), formerly Maricopa County Employees Federal Credit Union. MariSol is a qualified not-for-profit organization. The MOU will provide a cooperative framework for establishing a MariSol branch office in a recently completed parking garage located on the Durango Campus. Marisol will be responsible for all costs for design, required to estimate total costs for the project. If those ultimate estimates are acceptable to MariSol, Maricopa County and MariSol will enter into a mutually acceptable lease agreement that will provide for the tenant improvements and establish rent schedules, terms, and other conditions for use of the premises, including amortization schedules for reimbursement of any expenditure made by Maricopa County in preparing the premises for use by MariSol. This MOU and any subsequent lease will be processed in compliance with the requirements of A.R.S. §11-256.01 and A.R.S. §11-201. Legal approval is subject to review of the final document. (C1806012000)

AMENDMENT TO HEALTH PLAN TRANSFER IGA FOR LETTER OF CREDIT

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the amendment to the Health Plan Transfer Intergovernmental Agreement (IGA) between Maricopa County and the Maricopa County Special Health Care District which transfers and assigns the Arizona Health Care Cost Containment System (AHCCCS) Acute Plan from the County to the District effective October 1, 2005 (C1806015200). The amendment includes authorizing the Maricopa County Treasurer to execute an Irrevocable Letter of Credit with Chase/Bank One, Arizona in an amount not-to-exceed \$7,000,000. The Bank has agreed that the amount and the premium can be reduced at any time during the term. The Letter of Credit will serve as security for the Maricopa Health Plan's contract with the AHCCCS, and AHCCCS will be named beneficiary. The Letter of Credit will be reserved against the County's existing \$35,000,000 line of credit with Chase/Bank One dated May 18, 2005. In addition, the District will provide for an irrevocable instruction to the County/District Treasurer for first priority repayment for any use of the Letter of Credit from anticipated District tax revenues. The annual cost of the letter of credit is expected to be about \$45,000. (Clerk's Note: See the October 19, 2005, minutes for corrective action to this item. This note is not part of the official Minutes.) (~~C1806045204~~) (C1806011201) (ADM2119)

POLICY FOR RECEIVING DONATIONS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to adopt a new policy, A2508 Policy for Receiving Donations, as a countywide policy. The Policy for Receiving Donations will ensure consistency throughout Maricopa County regarding the acceptance and reporting of cash and non-cash donations. (C1806016600) (ADM632)

TRANSFER EXPENDITURE AUTHORITY FOR SECURITY BUILDING ASSESSMENTS

Pursuant to A.R.S. §42-17106(b), motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the transfer of expenditure authority in the amount of \$49,841 from FY 2005-06 General Government (470) General Fund (100) Unreserved Contingency (4711) to the line item in General Government (470) General Fund (100) Taxes and Assessments (4722) entitled "City of Phoenix Downtown Municipal Services District" to cover the cost of Maricopa County's 2001 through 2004 assessments for the Downtown Enhanced Services District assessed against the Security Building located at 222 N. Central. (C1806020800) (ADM805)

**FORMAL SESSION
September 21, 2005**

EXECUTE PURCHASE AND SALE AGREEMENT WITH CITY OF PEORIA

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) on a roll call vote with Supervisors Wilcox, Stapley, Brock, Kunasek and Wilson voting "aye" to approve and execute a Purchase and Sale Agreement with the City of Peoria whereby the city will purchase 38.55 acres of county-owned land near 79th Avenue and Hatcher Road, in Peoria. Authorize the Chairman to execute all documents necessary to consummate the transaction. Under the agreement, the city will pay to the county a purchase price of \$5,000,000 for fee title to the land. The agreement will be effective when executed by both parties. This item was discussed in Executive Session on August 22, 2005. (C1806021100) (ADM812)

INCREASE EXPENDITURE BUDGET FOR REPROGRAPHICS EQUIPMENT

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the transfer of expenditure authority between the General Government Grants Fund (Dept 470, Fund 249) and the Materials Management Reprographics Fund (Dept 733, Fund 673). This action will require an expenditure appropriation adjustment decreasing the FY 2005-06 General Government Grants Fund (Dept 470, Fund 249) by \$242,682 and increasing the FY 2005-06 Materials Management Reprographics Fund (Dept 733, Fund 673) by \$242,682. These adjustments will result in a countywide net financial impact of zero and will allow the Materials Management Reprographics Department to pay for a one-time purchase of new and replacement reprographic equipment. (C7306001000) (ADM3004)

RATIFY THE RECORDS MANAGEMENT PROGRAM

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to ratify the current Records Management Program as managed by the Records Manager for Maricopa County, and administered by the Department of Materials Management. This action is requested in accordance with A.R.S. §41-1346 and at the request of the Internal Audit Department to satisfy a finding contained in their recently completed audit of the Records Management Program. (C7306002M00) (ADM678)

SOLICITATION SERIALS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following solicitation serial items. The action on the following items is subject to County Counsel's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

Award of Solicitation Serials

- | | |
|------------------|--|
| 05084-RFP | Inmate Anger Management Groups – MCSO (\$2,145,000 estimate/three years with three one-year renewal options). Contract to provide inmate anger management training/counseling to MCSO inmates. Actual expenditures contingent upon grant funding. <ul style="list-style-type: none">o Concepts For Change, Inc.o Sage Counseling, Inc. |
| 05096-S | Traffic Barricade Services (\$3,000,000 estimate/three years with three one-year renewal options). Pricing agreement to provide traffic barricade services for |

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 21, 2005**

use during highway maintenance/construction by the Department of Transportation.

- o United Rentals HWY Tech

Renewals/Extensions:

These renewals/extensions were recommended with the concurrence of the using agencies and the vendors, upon satisfactory contract performance and, when appropriate, after a market survey is performed:

Until December 31, 2008

- 02080-RFP Landscape Services** (\$2,400,000 estimate/three years). Price agreement renewal for Landscape Services as requested by Facilities Management.
- o Handyman Maintenance, Inc.

Correction

Correct contract expiration date for Serial 04161-RFP (Dental Services Plan Administration) from December 31, 2008 to June 30, 2009. This item was approved at the July 6, 2005, Board of Supervisors' Formal Meeting.

CAPA Training

The following individuals have successfully completed training provided by Materials Management and will be able to conduct nominal value procurements in selected areas for their individual agencies in accordance with the approved Certified Agency Procurement Aide Policy and Procedures.

Adult Probation
Christina Burruel

Medical Examiner
Rita Azcona

Equipment Services
Sandy Davis

Assessor
Laura Koller

Risk Management
Vicki Boartfield

SETTLEMENT OF THE HAGLER V. MCSO

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the settlement of the Hagler v. MCSO lawsuit, CV04-006833 in the amount of \$80,000. This item was discussed in Executive Session on August 22, 2005. (C7506004100) (ADM409)

RECEIPT OF PAYMENT FOR CLAIM AGAINST ALLSTATE INSURANCE COMPANY

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve receipt of \$4,654.43 in payment of Maricopa County property damage claim against Allstate Insurance Company and its insured, Robert D. Hogan. This settlement releases and discharges any further claim against said parties. (C7506006100) (ADM409)

**FORMAL SESSION
September 21, 2005**

SETTLEMENT OF MYERS V. MARICOPA MEDICAL CENTER

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve settlement of the Myers v. Maricopa Medical Center lawsuit, CV2001-002443 in the amount of \$500,000. This item was discussed in Executive Session on September 6, 2005. (C7506007100) (ADM409)

ACCEPT PLAQUE AND STIPEND FOR INAUGURAL FOOD SAFETY INNOVATION AWARD

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize the Maricopa County Environmental Services Department, Environmental Health Division to accept a plaque and a \$2,500 stipend from the International Association for Food Protection for the Inaugural Food Safety Innovation Award of 2005. The award was presented on August 17, 2005. Authorize the spending the \$2,500 stipend on recognition pins for the staff, whose hard work made the program a success. The monetary value of the personal award is under \$50 and adheres to County Policy A2502, thus with the approval by the Board it could be authorized to expend, although it is not in the duly adopted budget. Approve revenue and expenditure appropriation adjustments to the Environmental Services Fees Fund (Department 880, Fund 506) associated with the award in an amount not-to-exceed \$2,500. The appropriation adjustments are necessary because these funds were not included in the FY 2005-06 budget. The award money is exempt from the definition of local revenues pursuant to A.R.S. Article 9 Section 20 (3)(d)(v) for the purpose of the constitutional expenditure limitation, therefore, expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C8806002000) (ADM2350)

EXTEND CONTRACT WITH DES FOR SPACE

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a three-year extension to the contract with Arizona Department of Economic Security (DES) for space within the Food Court at 101 W. Jefferson, Phoenix. The three-year renewal for 440 square feet is to be used as a convenience store, in compliance with A.R.S. §23-504. DES will pay for tenant improvements to the space and the county will provide utilities and space. (C7000112001)

SETTLEMENT WITH MASTEC FOR PROPERTY DAMAGE

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the settlement of the county's claim against MasTec for property damage sustained at the Security Building and authorize the execution of a settlement and release, Affidavit & Release of All Claims, in exchange for payment of \$762.32. (C7006004800) (ADM409)

EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS

Chairman Wilson announced that he had filed a conflict letter with the Clerk on one of the following easement item, No. A-339.016, and would recuse himself from that vote, but would vote on the remaining portion. He passed the gavel to Supervisor Stapley for the Easement, Right-Of-Way, and Relocation Assistance Documents item and received it back after the vote.

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-0-1) to approve A339.016(CS), Project No: TE 115 - 107th and Northern - Easement and Agreement for Highway Purposes - Parcel No.: 142-73-002J - William D. Long, as Trustee and Max W. Wilson and

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 21, 2005**

Judith A. Wilson - for the sum of \$1,565.00 and A339.016(CS), Project No: TE 115 - 107th and Northern - Purchase Agreement and Escrow Instructions - Parcel No.: 142-73-002J - William D. Long, as Trustee and Max W. Wilson and Judith A. Wilson.

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the remaining easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors' action. (ADM2007)

A326.001 Project No: TE191 - 105th Avenue at Thunderbird Boulevard - Warranty Deed - Parcel
(JPM) No.: 200-84-032A - Recreation Centers of Sun City, Inc. - for the sum of \$2,040.00.

A326.001 Project No: TE191 - 105th Avenue at Thunderbird Boulevard - Purchase Agreement
(JPM) and Escrow Instructions - Parcel No.: 200-84-032A - Recreation Centers of Sun City,
 Inc.

A339.006 Project No: TE188 - RH Johnson Boulevard at Stardust Boulevard - Agreement for
(JPM) Right of Entry - Parcel No.: 503-63-009M - Sun City West Foundation, Inc. - for the sum
 of \$500.00.

A339.008 Project No: TE188 - RH Johnson Boulevard at Stardust Boulevard - Agreement for
(JPM) Right of Entry - Parcel No.: 232-12-301 - Sun City West Foundation, Inc. - for the sum of
 \$500.00.

A339.047-2 Project No: TR098 – Mingus Road (Box Culvert East of 26th Avenue) - Agreement for
(LS) Right of Entry - Parcel No.: 202-26-038 - James S. Heinlein - for the sum of \$100.00.

W-6065-4 Project No: 68902 - Ellsworth Road (University Drive to McLellan Road) Construction
W-6066-4 Period Land Use License - Parcel No.: 220-21-2N, 156, 2Z and 218-07-41A - Central
W-6066-1 Arizona Water Conservation District.
W-6066
(JPM)

AMENDMENT TO TRANSPORTATION CAPITAL PROJECTS FUND

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the addition of Project T204, AZTECH Smart Corridors Phase III to the Department of Transportation's FY 2005-06 TIP (CIP) budget, and establish the project budget at \$250,000. Approve an amendment to the current FY 2006-10 five-year CIP for Fund (234) – Transportation Capital Projects Fund adopted by the Board on June 20, 2005, by decreasing the FY 2005-06 (Year 1) capital budget for Project T002, Project Reserves Account (MCDOT #69998) capital budget by \$250,000, for a net impact of zero. (C6406038M00) (ADM2000-003)

REQUEST TO CLOSE CLAREMONT STREET EAST OF 135TH AVENUE - CONTINUED

Item: Approve the recommendation to deny the petition request to close Claremont Street east of 135th Avenue. The Maricopa County Department of Transportation received a petition with 94 signatures, representing 73 of 1631 lots (4%) in the Dreaming Summit development, requesting closure of Claremont Street, east of 135th Avenue. Closing the roadway would limit the traffic circulation in the area, creating delayed response time for emergency vehicles, increased trip length to residents, and limiting emergency

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 21, 2005**

access to fire hydrants. The Maricopa County Department of Transportation, the Maricopa County Sheriffs Office and the Rural-Metro Fire Department all object to this request. (C6406039000) (ADM2017)

This item was continued to the October 5, 2005, meeting at the request of the residents.

TRAFFIC CONTROL CHANGE

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the traffic control change to a Four-Way Stop at Gavilan Peak Parkway and Memorial Drive (from a two-way east/west stop). (C6406040000) (F23166)

REIMBURSE UNION PACIFIC RAILROAD FOR ENGINEERING SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve reimbursement to Union Pacific Railroad in the amount of \$10,000 each, for engineering services by Union Pacific forces for railroad crossing design. The crossings will be impacted by the Maricopa County Department of Transportation (MCDOT) projects. The cost may not exceed the estimated amount of \$10,000 by more than 10%.

- a. Project T112 (69024), MC85, 91st Avenue to 107th Avenue road-widening project. MCDOT acknowledges that Union Pacific has prior rights for these facilities. (C6406041100) (ADM2000-006)
- b. Project TO87 (68966), Queen Creek Road, Arizona Avenue to McQueen Road, road-widening project. MCDOT acknowledges that Union Pacific has prior rights for these facilities. (C6406042100) (ADM2000-006)

REIMBURSE APS FOR RELOCATION COSTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve reimbursement to APS for costs incurred in the relocation of their facilities that are in conflict with Maricopa County Department of Transportation, Project TE188, R.H. Johnson Boulevard at Stardust Boulevard. The cost may not exceed the current estimate of \$378 by more than 10%. (C6406043100) (ADM2000-006)

CONTRACT WITH COMBS CONSTRUCTION FOR BROWN ROAD PROJECT

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Contract No. 2005-65 with Combs Construction for the Brown Road, 94th Street to West of Crismon Project, Project No. T123 (69044) in the amount of \$454,476.50. All work on this contract shall be completed within 90 calendar days, following the Board of Supervisors' approval. (C6406044000)

REIMBURSE SRP FOR RELOCATION COSTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve reimbursement to SRP for the costs incurred in the relocation of their facilities in conflict with Maricopa County Department of Transportation Project TT114 (69026), Chandler Heights Road Bridge at Sonoqui Wash. The cost may not exceed the current estimate of \$58,100 by more than 10%. Request a budget transfer of \$60,000 from Department (640), Fund (234), Project No. T002, Project Reserves Account, to fund the relocation of the power poles. (C6406045100) (ADM2000-006)

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 21, 2005**

ADDITION OF EXPENDITURE BUDGETS AND AMENDMENT TO CIP FUND

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the addition of the following projects and corresponding expenditure budgets to the Department of Transportation's FY 2005-06 TIP (Capital Improvement Plan) Budget (Year 1), Department (640), Fund (234):

Project Number	Name	Budget Amount
T206	Thunderbird at 105th Avenue	\$250,000
T207	Meeker at Trail Ridge/Aleppo	\$450,000
T208	MC 85 at 83rd, 91st, 99th, 107th, and 115th Avenue	\$370,000
T209	MC 85 at 119th Avenue	\$230,000
T210	MC 85 at El Mirage Avenue	\$200,000
T211	Olive Avenue at Litchfield Road	\$230,000
T212	Indian School Road at Old Litchfield Road	\$230,000
T213	Cotton Lane at McDowell	\$200,000
T214	SR303 off ramp at Grand	\$200,000
T215	Peoria at Litchfield Road	\$200,000
T216	Pinnacle Peak at 83rd and 91st Avenue	\$100,000
T217	R.H Johnson at Stardust	\$100,000
T218	SR303 at Waddell	\$100,000

Also approve an amendment to the current FY 2006-10 Five-Year CIP for Fund (234) – Transportation Capital Projects Fund adopted by the Board on June 20, 2005, by decreasing the FY 2005-06 (Year 1) capital budget for the following projects:

Project Number	Name	Capital Budget
T002	Project Reserves Account (MCDOT # 69998)	\$1,000,000
T180	Cotton Lane Bridge at Gila River	\$1,000,000
T006	Unallocated Force Account	\$860,000

These decreases will offset the increases requested above for a countywide impact of zero. (C6406046800) (ADM2000-003) (ADM2000-003)

AMENDMENT TO TRANSPORTATION ADVISORY BOARD BYLAWS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the amendments to the bylaws for the Maricopa County Transportation Advisory Board (TAB). The specific amendments are proposed to accomplish the following:

- Allow TAB to conduct annual program reviews and make recommendations to the Board of Supervisors concerning activities that TAB deems needed or appropriate. Currently, the TAB may conduct such reviews only for the Transportation Improvement Program, the Small Cities Transportation Assistance Program, and the TAB Special Project Fund.
- Authorize TAB to adjust regular TAB meeting dates and locations to facilitate a quorum, to offer convenience to the public, or for other appropriate purposes. The current

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 21, 2005**

- language may be interpreted as not providing the flexibility needed to make such adjustments.
- Delete language defining unexcused absences of TAB members as "an absence not arranged with staff at least two weeks prior to the meeting." This appears restrictive, given the nature of day-to-day business schedules.
 - Make other organizational/clarifying adjustments of an administrative nature. (C6406047M00) (ADM2038)

SETTING OF HEARINGS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to set the following hearing. All hearings will be held at 301 W. Jefferson, 10th Floor, Phoenix, unless otherwise noted:

- a. **Public Hearing for a Street Name Change** – A public hearing for October 19, 2005 at 9:00 a.m., to change a street name from North 230th Street to Blue Coyote Trail in Goldfield Ranch Phase 1, Lots 4, 6 and 7 (MCR188-24, 1979 Survey) Township 3 North, Range 7 East, Section 13 between North Goldfield Road and Beeline Highway (State Highway 87) The request is made by Janet & David Heeken on behalf of the citizens living along the alignment. (C4406003000) (ADM2018)
- b. **Planning and Zoning Cases** – A public hearing on any Planning, Zoning and Building Code cases in the unincorporated areas of Maricopa County for October 19, 2005, at 9:00 a.m. in the Board of Supervisors Auditorium, as follows:

Z2003-119, Z2004-113, DMP2005-011

INDUSTRIAL DEVELOPMENT AUTHORITY ATE NETWORK REVENUE BONDS (DEIR FOUNDATION PROGRAM) SERIES 2005

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to adopt the following captioned resolution, on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with Arizona State Libraries, Archives, and Public Records (ASLAPR). (ADM4792)

RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, ARIZONA APPOINTING TOM MANOS OR HIS DESIGNEE TO CONDUCT A PUBLIC HEARING AS REQUIRED BY THE PROVISIONS OF SECTION 147 (f) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED AND AUTHORIZING THE CHAIRMAN OF THE MARICOPA COUNTY BOARD OF SUPERVISORS, ON BEHALF OF THE BOARD, TO APPROVE THE ISSUANCE BY THE COLORADO EDUCATIONAL AND CULTURAL FACILITIES AUTHORITY TO ISSUE NOT TO EXCEED \$200,000,000 AGGREGATE PRINCIPAL AMOUNT OF ITS ATE NETWORK REVENUE BONDS (DEIR FOUNDATION PROGRAM) SERIES 2005

ASRS CLAIMS

No claims were submitted at this time. (ADM3309-001)

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 21, 2005**

CANVASS OF ELECTIONS

No canvasses of elections were submitted by special districts at this time.

CLASSIFICATION CHANGES

There was no request to change classification numbers at this time. (ADM723)

COMBINED CHARITABLE CAMPAIGN

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize the acceptance of cash and in-kind contributions generated for the 2006 Combined Charitable Campaign through corporate sponsorships and donations. These contributions will support the expenses associated with the Maricopa County 2006 Combined Charitable Campaign and will also be used as incentives to encourage employee participation. (ADM3311-002)

Phoenix Art Museum	4 guest admissions
Valley Youth Theatre	4 Guest Admissions to James and the Giant Peach
Wildlife World Zoo	10 free Kids Passes
Herberger Theater Center	2 Guest Admissions to show of your choice
Organ Stop Pizza	Free Large Pizza
Fiddlestick's Family Fun Park	4 Family Value Passes
Broadway Palms West Dinner Theatre	2 Guest Admissions including dinner buffet
Theatre 101 JESTERZ	20 Free Passes to Improv Comedy Show
Arizona Theatre Company	2 Guest Admissions to "CROWN"

COMPROMISES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to accept the requested compromises as payment in full. This item was discussed in Executive Session on September 6, 2005. (ADM407)

Billingsly	Candice	\$7,000.00
Bolt	Michael	\$43,400.76
Calvin	Jesse	\$8,500.00
Fisher	Alyssa	\$250.00
Fisher	Amber	\$550.00
Fisher	Autumn	\$250.00
Flores	Christian	\$5,800.00
Hernandez	Maria	\$2,000.00
Martinez	Rafael	\$6,478.00
Myhre	Eugena Rae	\$2,239.60
Muniz	Michael	\$9,749.01
Tulley	Dale	\$10,000.00

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 21, 2005**

DUPLICATE WARRANTS

Necessary affidavits having been filed, pursuant to A.R.S. §11-632, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve issuance of duplicate warrants to replace county warrants and school warrants which were either lost or stolen, as follows. (The list is retained in accordance with ASLAPR approved retention schedule.) (ADM1823) (ADM3809)

COUNTY

NAME	WARRANT	FUND	AMOUNT
Jamie Allen Jackson	260009732	General	\$1,414.43

SCHOOL

NAME	SCHOOL	WARRANT	AMOUNT
The Stamp Connection	Expense Fund	450119880	\$46.19
Ermina Garcia	Isaac SD	160003273	\$1,185.03
Diane Woodman	Litchfield Elem SD #79	160013025	\$88.88
Jody Self	Alhambra SD	160017982	\$1,072.49
Gareth Braxton-Johnson	Supt of Schools	160011516	\$550.64
John Jacobs	Treasurer	214574455	\$1,237.18
Jessica Lazok	Roosevelt SD #66	160010693	\$573.31
Roger Robidoux	Expense Fund	45122162	\$275.00
Sari Nims	TUHSD #214	160016852	\$677.59
Celinda Mendoza	Roosevelt SD #66	160016057	\$372.26
April Romo	Alhambra SD	160018111	\$322.70
Eric Sena	Madison SD	38077655	\$443.78
Brian Lytle	Expense Fund	150166793	\$602.41

MOBILE HOME TRANSFER

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to Approve the transfer of Roll #6326584, ID #773470S25868 to Alexander Gonzales for the sum of \$10.00. This action will return the title of the mobile home to the owner who has paid all delinquent taxes. (ADM3912)

PRECINCT COMMITTEEMEN

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize the appointment and cancellation of appointment of Precinct Committeemen. (ADM1701)

SECURED TAX ROLL CORRECTIONS

No tax roll corrections were presented at this time. (ADM705)

SETTLEMENT OF TAX CASES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the settlement of tax cases dated September 21, 2005. (List is retained in accordance with ASLAPR approved retention schedule.) (ADM704)

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 21, 2005**

2003 CV 2003-001242 TX 2002-000355 TX 2002-000369 TX 2004-000530 2004 CV 2003-023635 TX 2003-000429 TX 2003-000652 TX 2003-000667 TX 2003-000753 TX 2004-000013 TX 2003-000163 TX 2004-000454 2005 ST 2004-000173	ST 2004-000202 ST 2004-000261 ST 2004-000262 ST 2004-000263 ST 2004-000289 ST 2004-000349 ST 2005-000026 TX 2004-000650 TX 2004-000798 TX 2004-000817 TX 2004-000818 TX 2004-000878 TX 2004-000972 TX 2004-001008 2005/2006 ST 2004-000322
---	--

SPECIAL DEPUTY CLERK

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize the Official Appointment for Colleen Tweedy as a Special Limited Duty Deputy Clerk, in the Office of the Clerk of the Board of Supervisors. (ADM700-001)

STALE DATED WARRANTS

Pursuant to A.R.S. §11-644, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to find that claimant has demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the following claim is allowed. (A list of claims is retained in accordance with ASLAPR approved retention schedule.) (ADM1816)

NAME	AMOUNT
Lori Patrick	\$163.13

TAX ABATEMENTS

No tax abatements were presented at this time. (ADM708)

WRITE-OFFS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to accept, for accounting purposes only, the following amounts and the requested write-offs of the Sheriff's Uncollectible Accounts in the amount of \$28,106.40. This item was discussed in Executive

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 21, 2005**

Session held September 6, 2005. (List is retained in accordance with ASLAPR approved retention schedule.) (ADM407)

Galas	Eunique L.	\$3,272.33
Leon	Julian	\$5,793.55
Marteniez	Dorothy	\$128,983.43

SETTLEMENT AGREEMENT WITH ZAVALA-ALARCON, MD

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the settlement agreement between Edgardo Zavala-Alarcon, M.D. and Maricopa Managed Care Systems. This item was discussed in Executive Session on September 19, 2005. (Addendum item A-1) (ADM409)

CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS

No member of the public came forward to speak at this time. (ADM605)

SUPERVISORS'/COUNTY MANAGER'S SUMMARY OF CURRENT EVENTS

Supervisor Brock commented on the recent presentation by the Parks Department regarding their proposed ten-year plan. He said he believed the public would be as excited about it as he was when they learn the details and begin to see more spending by the County to implement these plans. He also commented on the recent dedication of the beautiful new 2,000 square foot Visitors Center in the San Tan Park. He thanked the Gila River Indian Community for their gift of \$250,000 that will primarily be used for fencing in that park. He reported that a large number of people attended the dedication, which was surprising because it was a work day, and he thanked them for turning out for the event. He stated, "Maricopa County has some of the most beautiful parks that I have ever seen in my life, and I've been in many state parks throughout the country." He invited more citizens to go out and enjoy the amenities in their County parks. He added that Supervisor Stapley's family has been involved in volunteering on the Park's Commission for more than 50 years and commended their interest and dedication to the quality of life in the County. (ADM606)

Supervisor Stapley commented that his great-uncle had started with the formation of the Park System as a Charter Member of the Board and his sons and grandsons have served continuously on that Board ever since. He agreed that it was a very dedicated branch of his family tree.

Chairman Wilson commented on the help given by Supervisor Wilcox in donating her time and efforts to aid and relocate some victims of hurricane Katrina that were recently housed at the Arizona State Fairgrounds. He said he appreciated her representation of the Board during that crisis.

*****The Board of Supervisors will now consider Code Enforcement Reviews*****

**Please note that these matters are of a quasi-judicial matter and the Board will review the Hearing Officer's decision in each case to determine if sufficient evidence was presented to the Hearing Officer to support the decision and whether a procedural error may have occurred.
New evidence is not considered at these hearings.**

**FORMAL SESSION
September 21, 2005**

CODE ENFORCEMENT REVIEW – JEFF RUDEK - CONTINUED

Item: This is the time for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V2003-00657, Jeff Rudek. This item is continued from August 24, 2005. (ADM3417-030)

On the recommendation of the Planning staff, motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to continue this review to the November 2, 2005, meeting.

CODE ENFORCEMENT REVIEW - JOSEPH AND KATHLEEN TYLER

This is the time for review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V2003-00004, Joseph and Kathleen Tyler. (ADM3417-027)

County Attorney Terry Eckhardt reported that a request for continuance on this item had been filed late yesterday morning by the attorney representing the Tylers and said he would argue against another, in a long line, of continuances.

The Chairman called for information on the appeal from the respondent, and Andy Moore, representing Joseph and Kathleen Tyler, said the hearing was concerning a structure on property where the County did not find a building permit. The Hearing Office had set a date for the Tyler's to file an application for an as-built permit or to start paying fines for non-compliance. He said that the application for a permit has been in process since July 5 and that the County had been "tardy" in getting specifics on the matter. If it is approved he suggested that the question in the original hearing would be moot and therefore he had requested a continuance until it can be resolved.

Mr. Eckhardt argued that this matter has been in process for two and a half years and a Hearing Officer has already continued it many times at the request of the respondent. Originally it was a public health matter regarding a Hanta Virus infection in a renter living in the structure. The Health Department had notified Planning and Development when they saw the condition of the property. The code enforcement matter began at that time, based on an absence of building permits. He added that the house had apparently been moved to the site many years ago without the owner obtaining any kind of permit to install it. Another continuance was asked for at the last hearing but the Hearing Officer did not grant that request. He heard the case, found the Tylers in violation and levied fines. Subsequently, the Tylers did apply for a permit. The next step would be to go through the variance process. He said he felt staff could recommend denial because the house was moved onto the property without any permits. He reminded the Board that this appeal is only to determine if the Hearing Officer had enough evidence presented to him to warrant his decision and the Board could not consider any new evidence. He maintained that there had been proper evidence and the Hearing Officer had made the correct decision. He asked the Board to uphold the decision and fines based on the Tyler's long period of non-compliance. He added that the Tylers could continue their application to obtain a variance and still get the matter resolved in their favor if they so chose.

Mr. Moore responded and affirmed that Mr. Tyler did have an existing structure moved to the site 30 years ago and he had not retained any piece of paper or permit that he may have obtained at that time. He said that the Hearing Officer's finding that there was no building permit obtained for the property was based only on the fact that Mr. Tyler could not show him one. He asked how many homeowners have a copy of the building permit for their home in their possession. He said there is no way to know if there was a consistent policy on building permits in 1976 and maintained that the County did not have key permits

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 21, 2005**

on file and could not prove there had been no permit. He stated that the County had not met their burden of proof. Therefore, he maintained that the decision should be overturned.

Mr. Eckhardt said that the respondent had not mentioned anything about a 1976 permit to any officer or in any hearing since the matter started 2½ years ago but had continually advised the County during those 2½ years that he was in the process of obtaining an as-built permit. He added that the idea that Mr. Tyler might have obtained a permit did not arise until he hired an attorney. In addition, the Assessor's Office assesses taxes based on the improvement information from the statutory process set for permits. He said, "This Board should know that this property has never paid a penny of taxes on improvements on the property." He said this is a good indication that whenever the house was moved onto the property no permits had been obtained. In addition, the property is in violation of County zoning ordinances and this is another indication that no permits were obtained. He reiterated that the Hearing Officer did have sufficient evidence for his decision and asked the Board to affirm that decision.

Motion was made by Supervisor Stapley and seconded by Supervisor Kunasek to affirm the Hearing Officers' decision.

Supervisor Wilcox asked how much the fine is. Mr. Eckhardt replied that there was an initial \$300 fine and a \$30 a day assessment thereafter.

There being no further discussion, the motion to uphold the Hearing Officer's decision carried unanimously (5-0).

PLANNING AND ZONING AGENDA

David Smith left the dais at the end of this portion of the Board meeting. All Board Members, as listed above, remained in session. Darren Gerard, Deputy Planning and Development Director, and Terry Eckhardt, Deputy County Attorney, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

REGULAR AGENDA DETAIL:

1. **Z2005-040** District 1 - **CONTINUED**
Applicant: Scott Ward of Ward Development for Dickson Family Partnership
Location: Southwest corner of 148th Street and Ocotillo Road (in the Chandler/Gilbert area)
Request: Rezone from Rural-43 to R1-18 RUPD (approx. 41 acres) for Finisterra

COMMISSION ACTION: Commissioner Masel moved to recommend approval of Z2005-040, subject to the following stipulations "a" through "n". Commissioner Pugmire seconded the motion, which passed with a unanimous vote of 9-0.

- a. Development and use of the site shall comply with the preliminary plat/zone change exhibit entitled "Finisterra Preliminary Plat and Zone Change Exhibit", consisting of three (3) full-size sheets prepared by CMX LLC, dated July 2005, stamped by the Civil Engineer July 21, 2005, and stamped received July 22, 2005, except as modified by the following stipulations.
- b. Development and use of the site shall be generally consistent with the project narrative entitled "Narrative Report for Finisterra", consisting of five (5) pages plus exhibits,

**FORMAL SESSION
September 21, 2005**

prepared by CMX LLC, dated revised July 21, 2005, and stamped received July 22, 2005, except as modified by the following stipulations.

- c. Landscaping, signage, screening, and amenities for the site shall be generally consistent with the landscape plan entitled, "Conceptual Landscape Plan – Finisterra", consisting of four (4) full-size sheets prepared by Greythorn Design Studio, dated July 19, 2005, and stamped received June 22, 2005, except as modified by the following stipulations.
- d. Prior to approval of a final plat, the developer shall provide written evidence that the City of Chandler entered into a pre-annexation agreement with the developer. The terms of that agreement shall state that the City of Chandler will provide water and sewer services for the subject site.
- e. This project shall not be serviced via septic systems (regardless of proposed lot sizes).
- f. All trees shall be double-staked when installed.
- g. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted.
- h. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- i. An archeological survey shall be submitted to and approved by the Arizona State Historic Preservation Office prior to issuance of a Grading Permit or approval of a Final Plat. The applicant must contact the State office prior to initiating disturbance of the site. The applicant shall provide the Planning and Development Department with written proof of compliance with this stipulation.
- j. The following Maricopa County Department of Transportation (MCDOT) stipulations shall apply:
 - 1. Provide total half-width of 65 feet for Ocotillo Road.
 - 2. Provide total half-width of 40 feet for 148th Street.
 - 3. Prior to issuance of any permits for development of the site, the applicant/property owners shall obtain the necessary encroachment permits from MCDOT for landscaping and other improvements within the public right-of-way.
- k. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- l. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 21, 2005**

course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.

- m. Major changes to the zoning exhibit and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the project may require a new Citizen Participation Process as determined by the Planning and Development Department.
- n. Noncompliance with the conditions of approval will be treated as a violation in accordance with Chapter 14 (Violation and Penalty) of the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).

Mr. Gerard said there were noticing issues on this item and asked for it to be continued for two weeks. Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to continue this item to the October 5, 2005, meeting.

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

Max W. Wilson, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board